

## APPENDIX A

# SUPPLEMENTAL RULES FOR ELECTRONIC CASE FILING

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### TABLE OF CONTENTS

<b>I. SCOPE OF THE PROCEDURES.</b>	1
<b>1.1 General Rules.</b>	1
(a) Title and Citation.	1
(b) Relationship to Other Rules.	1
(c) Construction.	1
(d) Definitions.	1
<b>1.2 Relief From Administrative Procedures; Failure to Comply.</b>	2
(a) Relief from Administrative Procedures.	2
(b) Relief from Failure to Comply.	2
(c) Sanctions for Failure to Comply.	2
<b>II. ELECTRONIC FILING AND SERVICE.</b>	2
<b>2.1 Scope of Electronic Filing.</b>	2
(a) Applicability.	2
(b) Attorney Exemption.	2
(c) One Time Exemption.	2
(d) Pro Se Litigants.	3
<b>2.2 Consequences of Electronic Filing.</b>	3
(a) Filing Defined.	3
(b) Confirmation of Court Filing.	3
(c) Official Record.	3
<b>2.3 Format and Quality Control.</b>	3
(a) PDF Format Required.	3
(b) PDF Documents Exceeding Five Megabytes.	3
(c) Title of Docket Entries/Pleadings.	4
(d) Format of Electronic Filings.	4
(e) Memorandum and Supporting Documents Required by LR 7.1(a)(2).	4
(f) Verify Readability.	4
(g) Scanned Document Retention Requirement.	4
(h) Erroneous Submissions.	4
(1) Erroneous Docket Entries.	4

	(2)	Documents Conventionally Filed in ECF Cases.....	4
	(3)	Documents Electronically Filed in Non-ECF Cases..	5
	(i)	Hyperlinks..	5
	(j)	PDF Document Restrictions.....	5
2.4		Civil and Miscellaneous Case Opening Documents..	5
	(a)	Filing..	5
	(b)	Service..	6
	(c)	Return of Service.....	6
2.5		Attachments/Non-Trial Exhibits.....	6
	(a)	Submitted with Main Document as Separate Attachments...	6
	(b)	Excerpted Format..	6
	(c)	Bulky Attachments, Physical Exhibits and Demonstrative Evidence..	6
	(d)	Attachments/Non-Trial Exhibits Conventionally Filed in ECF Case..	6
	(1)	Notice of Conventional Filing.....	6
	(2)	Filing Date..	7
	(3)	Maintained in the Clerk's Office...	7
2.6		Certified Documents/Records and Social Security Administrative Records..	7
2.7		Signatures on Electronically Filed Documents.....	7
	(a)	Attorneys..	7
	(1)	Log-In/Password Constitute Signature.....	7
	(2)	Form of Signature..	7
	(b)	Multiple Party Documents.....	7
	(1)	Form of Signatures...	8
	(2)	Certification and Proof of Consent..	8
	(c)	Affidavits/Verified Pleadings/Other Non-Attorney Signatures.....	8
	(d)	Objection to Authenticity....	8
	(e)	Retention of Documents.....	8
2.8		Service of Electronically Filed Documents..	8
	(a)	Consent to Electronic Service.....	8
	(b)	Electronic Service Defined.....	8
	(c)	Proof of Electronic Service.....	8
	(d)	Conventional Service of Electronically Filed Documents.....	9
2.9		[reserved].....	9
2.10		Technical Failure.....	9
	(a)	Definition..	9
	(b)	Filing Options..	9
	(c)	Service Options..	9
	(d)	Clerk Notification.....	9
	(e)	Extension of Filing Deadline for Technical Failure.....	9
	(f)	Filing User Systems Failure..	9
2.11		Refund of Fees Paid Electronically..	10
	(a)	Applicability..	10
	(b)	Delegation of Authority.....	10
	(c)	Refund Processing..	10

<b>III. CONVENTIONAL FILING OF DOCUMENTS.</b>	10
<b>3.1 Conventional Filings in Criminal Cases.</b>	10
(a) Criminal Charging Documents..	10
(b) Criminal Applications and Accompanying Affidavits..	10
(c) Return of Service Documents in Criminal Cases..	10
(d) Grand Jury Matters..	10
(e) Documents Signed by Criminal Defendants...	11
(f) Violations of Conditions of Release..	11
(g) Undocketed Submissions..	11
(h) CJA Materials..	11
(i) Juvenile Matters...	11
<b>3.2 Conventional Filings in Civil/Miscellaneous Cases.</b>	11
(a) Administrative Records..	11
(b) Habeas Corpus Rule 5 Materials...	11
(c) Mediation Documents..	11
(d) Letters Rogatory..	12
(e) Administrative Inspection Warrants..	12
(f) Objection to Assignment to Magistrate Judge..	12
<b>3.3 Sealed Matters.</b>	12
(a) Documents Filed in Sealed Cases...	12
(b) Sealed Documents Filed In Non-Sealed Cases..	12
(1) Entire Filing Sealed..	12
(2) Filing Containing Both Sealed and Unsealed Documents...	12
(c) Motions to Seal..	12
<b>3.4 Ex Parte Pleadings.</b>	13
<b>3.5 Trial Exhibits/Exhibit Lists.</b>	13
<b>3.6 Notice of Appeal.</b>	13
<b>3.7 Pro Hac Vice Motions.</b>	13
<b>3.8 Letters and Correspondence.</b>	13
<b>3.9 Service of Conventional Filings.</b>	14
<b>IV. COURT ORDERS AND TRANSCRIPTS.</b>	14
<b>4.1 Court Orders.</b>	14
(a) Electronic Signature..	14
(b) Docket Text Orders..	14
(c) Entry of Orders..	14
(d) Proposed Orders..	14
(e) Notice of Orders...	14
<b>4.2 Transcripts of Federal Court Proceedings in this District.</b>	15
(a) Electronic Filing of Original Transcripts..	15
(b) Obligation to Review Transcripts for Personal Identifiers...	15
(c) Requests to Redact Other Information...	15
(d) Failure to Submit Transcript Redaction Request..	15
(e) Electronic Filing of Redacted Transcripts...	15
(g) Electronic Signatures..	16
<b>4.3 Transcripts of Court Proceedings in Other Courts.</b>	16

<b>V. PUBLIC ACCESS TO ECF DOCKET/DOCUMENTS. . . . .</b>	<b>16</b>
<b>5.1 Public Access at the Court.. . . .</b>	<b>16</b>
<b>5.2 Internet Access. . . . .</b>	<b>16</b>
<b>5.3 Conventional Copies and Certified Copies. . . . .</b>	<b>17</b>
<b>VI. REGISTRATION FOR ECF. . . . .</b>	<b>17</b>
<b>6.1 Participants. . . . .</b>	<b>17</b>
(a) Mandatory Attorney Registration.. . . .	17
(b) Attorneys Admitted Pro Hac Vice.. . . .	17
(c) Pro Se Registration... . . . .	17
<b>6.2 Registration. . . . .</b>	<b>17</b>
(a) Form.. . . .	17
(b) Consent to Electronic Service... . . . .	17
(c) Log-In/Password Usage... . . . .	17
(d) Obligation to Protect Password... . . . .	18
(e) Obligation to Update Information... . . . .	18
(f) PACER Registration... . . . .	18
(g) Withdrawal as Registered User... . . . .	18

## **I. SCOPE OF THE PROCEDURES**

### **1.1 General Rules**

(a) **Title and Citation.** The procedures governing electronic case filing shall be known as the "Supplemental Rules for Electronic Case Filing," formerly known as the "Administrative Procedures for Electronic Case Filing in the United States District Court for the District of New Hampshire." They shall be cited as "AP \_\_\_\_."

(b) **Relationship to Other Rules.** These administrative procedures are intended to supplement the Local Rules of the United States District Court for the District of New Hampshire to the extent necessary to establish procedures for the signing, filing, service, maintenance and verification of documents by electronic means. Unless modified by approved stipulation or order of the court, all Federal Rules of Civil/Criminal Procedure, local rules, and standing orders of the court shall continue to apply to cases that are subject to electronic case filing.

(c) **Construction.** United States Code, title 1, Sections 1 to 5, shall govern the construction of these administrative procedures.

(d) **Definitions.**

"Conventionally Filed/Served" means documents presented to the court or party in paper or other non-electronic format.

"Data Storage Device" means a device used for storing and transporting electronic data files, including but not limited to a compact disk, USB device or floppy disk.

"Document" means any written matter filed by or with the court, whether filed conventionally or electronically, including but not limited to motions, pleadings, applications, petitions, notices, declarations, affidavits, exhibits, briefs, memoranda of law, orders, and deposition transcripts.

"ECF" means the court's Electronic Case Filing System, which is an automated system that receives and stores documents in electronic form.

"Electronic Filing" or "Electronically Filed" means the transmission of a document in a portable document format ("PDF") for filing using the ECF system facilities.

"Filing User" means those individuals who have a court issued login and password to file documents electronically in this judicial district.

"Main Document" means motions, objections, replies, stipulations, waivers, notices and other pleadings, but does not include attachments or exhibits to such pleadings.

“Notice of Electronic Filing” (“NEF”) means the notice automatically generated by ECF each time a document is electronically filed.

“PDF” means Portable Document Format. This includes both “Electronically Converted PDF Documents,” which are created from a word processing system (MS Word, WordPerfect, etc.) using PDF/PDF-A creation software and are text searchable, and “Scanned PDF Documents,” which are created from paper documents run through a scanner.

(§§ (b) and (f) amended 5/1/05, 6/1/11; § (b) amended 6/1/05, 8/1/05, 10/1/05, 10/1/06, 5/15/08, 12/1/09; omitted former §§ (b) and (e), relettered former §§ (c), (d) and (f) to (b), (c) and (d) accordingly, and amended § (a) 12/1/11 )

## **1.2 Relief From Administrative Procedures; Failure to Comply**

**(a) Relief from Administrative Procedures.** The court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the court.

**(b) Relief from Failure to Comply.** The court may excuse a failure to comply with any administrative procedure whenever justice so requires.

**(c) Sanctions for Failure to Comply.** Except as provided by law, the court may impose sanctions for failure to comply with these administrative procedures as provided in LR 1.3.

## **II. ELECTRONIC FILING AND SERVICE**

### **2.1 Scope of Electronic Filing**

**(a) Applicability.** Except as provided herein, all documents submitted for filing by an attorney admitted to practice in this district, including counsel admitted pro hac vice, shall be electronically filed in PDF format using ECF. An assigned judicial officer has the discretion to exempt a case, in whole or in part, from ECF.

**(b) Attorney Exemption.** An attorney may apply to the court for permission to file documents conventionally in a particular case. Should the court initially grant an attorney permission to file documents conventionally, the court may withdraw that permission at any time during the pendency of a case and require the attorney to re-file documents electronically using ECF. If one counsel of record is exempted from electronic filing, all electronically filed documents must be conventionally served on exempted counsel.

**(c) One Time Exemption.** An attorney who is not a Filing User may conventionally file the first document on behalf of a client in an ECF case without leave of the court. Within thirty (30) days thereafter, the attorney must register as a Filing User.

**(d) Pro Se Litigants.** A non-incarcerated pro se litigant in a pending case may apply to the court for permission to file documents electronically using ECF on a form prescribed by the clerk's office. If the court initially grants a pro se litigant permission to file documents electronically, that permission is limited to the case specified and the court may withdraw that permission at any time during the pendency of a case.

In the absence of a court order authorizing electronic filing, all pro se litigants shall conventionally file and serve all documents in accordance with the provisions of the Federal Rules of Civil/Criminal Procedures and the local rules of this court. In that event, all electronically filed documents must be conventionally served on the pro se litigant.

(§ (e) omitted 5/1/05; § (c) amended 6/1/05; §§ (a), (b) and (d) amended 10/1/05; § (d) amended 10/1/06, 6/1/11)

## **2.2 Consequences of Electronic Filing**

**(a) Filing Defined.** The electronic filing of a document through ECF consistent with the ECF Administrative Procedures and rules of court, together with the transmission of a Notice of Electronic Filing from the court's ECF system, constitutes filing for all purposes of the Federal Rules of Civil/Criminal Procedure and local rules of this court.

**(b) Confirmation of Court Filing.** A document electronically filed through the court's ECF transmission facilities shall be deemed filed on the date and time stated on the Notice of Electronic Filing received from the court.

**(c) Official Record.** Except as provided herein, the clerk's office will not maintain a paper court file in any ECF case. The official court record shall be the electronic file maintained on the court's servers together with any paper documents filed in accordance with these procedures.

(§ (d) 12/1/09 omitted 12/1/09)

## **2.3 Format and Quality Control**

**(a) PDF Format Required.** Documents electronically filed must be submitted in PDF format. Unless otherwise provided herein, main documents must be filed in an electronically converted PDF text searchable format. Attachments/Non-Trial Exhibits must also be filed in an electronically converted PDF text searchable format, unless the Filing User possesses only a paper copy of the document to be submitted, in which case a scanned PDF that is not text searchable may be submitted. All scanned documents shall conform with a standard of 300 pixels per square inch.

**(b) PDF Documents Exceeding Five Megabytes.** No individual PDF document exceeding 5 megabytes will be accepted in ECF. Any individual PDF document exceeding 5 megabytes must be divided into separate PDF documents of less than 5 megabytes. Except as

provided in AP 2.6, individual PDF documents that exceed 15 megabytes shall not be electronically filed, but instead shall be submitted on a data storage device. If an individual PDF document exceeds 15 megabytes and is an attachment/non-trial exhibit, it shall be submitted consistent with AP 2.5(d).

**(c) Title of Docket Entries/Pleadings.** All electronically filed documents shall be titled and docketed in accordance with the approved dictionary of civil/criminal events available on ECF. The clerk's office may, when necessary and appropriate, modify the docket entry description to comply with quality control standards.

**(d) Format of Electronic Filings.** Except as provided herein, electronically filed documents must comply with the formatting and page limit requirements for paper documents as set forth in the Federal Rules of Civil/Criminal Procedure and the local rules of this court.

**(e) Memorandum and Supporting Documents Required by LR 7.1(a)(2).** A memorandum of law or other attachment filed in support of a main document shall be filed as the first attachment to the main document and not as a separate docket entry. If the Filing User is contemporaneously filing an objection and cross motion, however, the memorandum of law shall be filed as the main document in a separate docket entry and linked to both the objection and cross motion.

**(f) Verify Readability.** The Filing User shall verify the readability of a converted or scanned PDF before electronically filing it in ECF.

**(g) Scanned Document Retention Requirement.** Paper documents converted to PDF through a scanner and filed using ECF must be retained by the Filing User until three (3) years after the date of filing or until the conclusion of all appeals in the case, whichever date is later. Upon request of the court or any party, a Filing User must make the paper document available for inspection.

**(h) Erroneous Submissions.**

**(1) Erroneous Docket Entries.** A Filing User may not correct a docket entry or document submission error after a document is electronically filed in ECF. If necessary to satisfy a filing deadline, a Filing User may electronically resubmit the entire document, including all attachments, in ECF. Otherwise, the Filing User shall not attempt to refile the document in ECF. The Filing User shall immediately contact the clerk's office help desk to report the error and request necessary remedial action. The clerk's office may make an entry indicating that the document was filed in error and may request that the document be refiled. The court may, upon motion of a party or upon its own motion, strike any erroneously or inappropriately filed document.

**(2) Documents Conventionally Filed in ECF Cases.** Except as provided herein, documents may not be submitted conventionally in a case designated for ECF.



(3) **Documents Electronically Filed in Non-ECF Cases.** Except as provided herein, documents may not be submitted electronically through the ECF system in a case not designated for ECF.

(i) **Hyperlinks.** Electronically filed documents may contain the following types of hyperlinks:

- (1) Hyperlinks to other portions of the same document;
- (2) Hyperlinks to other documents filed within the CM/ECF system; and
- (3) Hyperlinks to a location on the Internet that contains a source document for a citation.

Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record, but are simply convenient mechanisms for accessing material cited in a filed document.

The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink.

(j) **PDF Document Restrictions.** The ECF system will not accept PDF documents containing tracking tags, embedded systems commands, password protections, access restrictions or other security features, special tags or dynamic features.

(§§ (a) and (b) amended; § (j) added 5/1/05; § (b) amended, § (k) added 10/1/05; § (f) stricken, former § (i) amended and relettered to (h), §§ (g)-(k) relettered accordingly 10/1/06; §§ (b) and (i) amended 5/15/08; §§(a) and (b) amended 12/1/09; § (b) amended 6/1/11)

## **2.4 Civil and Miscellaneous Case Opening Documents**

(a) **Filing.** Civil and miscellaneous case opening documents and related attachments may be (i) electronically filed through the court's ECF system if the attorney Filing User pays the filing fee using the ECF credit card payment system, simultaneously submits a motion to proceed in forma pauperis, or if no filing fee is required, or (ii) conventionally filed with the appropriate filing fee. If conventionally filed by an attorney, the case opening documents and attachments must also be downloaded onto a data storage device as separate documents in PDF format and received within 48 hours.

"Civil case opening documents" shall include, but are not limited to, complaints, petitions, or notices of removal. Related attachments that should be electronically filed shall include, but are not limited to, the civil cover sheet and summons/notice of lawsuit and waiver of summons.

A Filing User requesting summonses must complete the top section of each summons form before filing electronically or conventionally.

**(b) Service.** If summonses are submitted with the case opening documents, the clerk's office will return signed and sealed summonses either electronically through ECF or on paper by regular mail to counsel for the plaintiff(s) for service of process. Case opening complaints or petitions may not be served electronically and must be served in accordance with Federal Rule of Civil Procedure 4.

**(c) Return of Service.** All returns of service or other returns in civil and miscellaneous cases shall be electronically filed in a scanned PDF format.

(§ (a) amended 5/1/05, 10/1/06, 6/1/11; § (b) amended 8/1/05)

## **2.5 Attachments/Non-Trial Exhibits**

**(a) Submitted with Main Document as Separate Attachments.** Each exhibit or attachment to a main document shall be electronically filed as a separate attachment to a motion or pleading ("main document"), shall be individually numbered/lettered, and shall be followed by a short description of the document in the "description" field, which shall not exceed five (5) words. If attachments include more than one exhibit, the Filing User need not submit a separate table of contents or index as otherwise required by LR 5.1(a)(2) as the documents will be separately hyperlinked and indexed in the ECF system.

**(b) Excerpted Format.** A Filing User may submit as attachments and non-trial exhibits only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users must promptly provide excerpted documents in full to any party making such a request. Responding parties may timely file additional excerpts, or the complete document, if they believe these additional submissions are directly germane. The court may require the parties to file additional excerpts or the complete document.

**(c) Bulky Attachments, Physical Exhibits and Demonstrative Evidence.** Attachments and non-trial exhibits that cannot reasonably be filed in an electronically converted or scanned PDF format, such as bulky attachments, physical exhibits, demonstrative evidence, and video or audio tapes, may be conventionally filed.

**(d) Attachments/Non-Trial Exhibits Conventionally Filed in ECF Case.**

**(1) Notice of Conventional Filing.** If an attachment or exhibit is submitted conventionally in an ECF case, the Filing User shall electronically file a Notice of Conventional Filing on a form prescribed by the clerk's office in the place where the attachment or exhibit would have been submitted electronically as an attachment to the main document.

(2) **Filing Date.** If an attachment or exhibit is conventionally filed, the main document shall be deemed filed upon the issuance of the Notice of Electronic Filing, provided that the conventionally submitted matters are filed and served within 72 hours. A paper copy of the Notice of Electronic Filing shall be attached to the conventionally submitted matter.

(3) **Maintained in the Clerk's Office.** If an attachment or exhibit is conventionally filed, it will be maintained and available for inspection in the clerk's office and will not be added to the court's electronic docket.

(§ (a) amended 5/1/05; § (d) lapsed, § (e) relettered to § (d) 6/1/05; § (d) amended 10/1/05; § (d) amended 10/1/06)

## **2.6 Certified Documents/Records and Social Security Administrative Records**

Except as provided herein, the following shall be electronically filed consistent with AP 2.3:

(a) certified documents and records, including the state court record filed in removal proceedings, and  
(b) to the extent available in electronic format, the administrative record filed in social security cases.

In social security cases, (1) the record must be submitted in segments of less than 5 megabytes but the cumulative 15 megabyte filing limit does not apply, and (2) the government shall provide the court with a conventionally filed courtesy copy of the record.

(Amended 6/1/11)

## **2.7 Signatures on Electronically Filed Documents**

### **(a) Attorneys.**

(1) **Log-In/Password Constitute Signature.** The Filing User's log-in and password required to submit documents through ECF shall serve as the Filing User's signature on all electronically filed documents. They also serve as the signature for purposes of the Federal Rules of Civil/Criminal Procedure, local rules of this court, and any other purpose for which a signature is required in connection with proceedings before this court.

(2) **Form of Signature.** All electronically filed documents must include a signature block and must set forth the Filing User's name, bar registration number, address, telephone number, and e-mail address. The name of the Filing User under whose log-in and password the document is submitted must be preceded by a "/s/ [Insert Signatory's Name]" and typed in the space where the signature would otherwise appear.

(b) **Multiple Party Documents.** The following applies when a pleading, stipulation, or other document requires multiple signatures.

(1) **Form of Signatures.** All electronically filed documents that contain more than one signature must list thereon all the names of other signatories by means of a "/s/ [Insert Signatory's Name]" block for each.

(2) **Certification and Proof of Consent.** By electronically filing a document pursuant to subparagraph (b)(1), the Filing User certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the filing attorney has their actual authority to submit the document electronically.

(c) **Affidavits/Verified Pleadings/Other Non-Attorney Signatures.** Preexisting affidavits and other preexisting non-Filing User signature documents shall be filed in a scanned PDF format. All other affidavits and non-Filing User signature documents, including the signature of a notary or other jurat, shall be filed in an electronically converted PDF format and shall contain a "/s/ [Insert Signatory's Name]" block indicating that the paper document bears an original signature.

(d) **Objection to Authenticity.** A non-Filing User signatory or party who disputes the authenticity of an electronically filed document must file an objection to the document within fourteen (14) days of service of the Notice of Electronic Filing or other service made pursuant to the Federal Rules of Civil/Criminal Procedure.

(e) **Retention of Documents.** Documents that are electronically filed and contain original signatures other than that of the Filing User, as well as consents to file under subsection (b)(2) to the extent memorialized, shall be maintained in paper form by the Filing User until three (3) years after the date of filing or until the conclusion of all appeals in the case, whichever date is later. Upon request of the court or any party, a Filing User must make the original documents available for inspection.

(§§ (a)(2), (b)(1) and (c) amended 10/1/05; § (d) amended 12/1/09)

## **2.8 Service of Electronically Filed Documents**

(a) **Consent to Electronic Service.** Registration as a participant in the court's ECF system constitutes consent to electronic service of all electronically filed documents in ECF cases as provided in these procedures.

(b) **Electronic Service Defined.** Pursuant to Federal Rule of Civil Procedure 5(d) and Federal Rule of Criminal Procedure 49(b), receipt of the Notice of Electronic Filing generated by the court's ECF system shall constitute the equivalent of service of the pleading or other paper on Filing Users and shall be deemed to satisfy the requirements of Federal Rules of Civil Procedure 5(b)(2)(E) and 77(d)(1) and Federal Rule of Criminal Procedure 49(b).

(c) **Proof of Electronic Service.** The ECF system generated Notice of Electronic Filing constitutes proof of service upon a Filing User in accordance with the Federal Rule of Civil Procedure 5(d).

**(d) Conventional Service of Electronically Filed Documents.** Attorneys and pro se litigants who are not Filing Users must be conventionally served with any electronically filed pleading or other document in accordance with the Federal Rules of Civil/Criminal Procedure.

(§ (b) amended 5/15/08)

## **2.9 [reserved]**

(§§ (a) and (b) amended 5/1/05; stricken 5/15/08)

## **2.10 Technical Failure**

**(a) Definition.** A technical failure is deemed to have occurred when the court's ECF system cannot accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 pm (noon) on a given day, excepting such periods resulting from scheduled court maintenance for which public notice was provided.

**(b) Filing Options.** A Filing User experiencing a technical failure may conventionally file the document if accompanied by a declaration attesting to the Filing User's attempts to timely file the document using ECF.

**(c) Service Options.** A Filing User experiencing a technical failure may serve the document in any alternative manner permitted by the Federal Rules of Civil/Criminal Procedure.

**(d) Clerk Notification.** A Filing User shall immediately report a technical failure to the clerk's office help desk.

**(e) Extension of Filing Deadline for Technical Failure.** If a Filing User misses a filing deadline due to an inability to file electronically as a result of a technical failure, such a failure shall constitute a condition rendering the office of the clerk of court inaccessible within the meaning of Federal Rule of Civil Procedure 6 and Federal Rule of Criminal Procedure 45. In such circumstances, the Filing User may electronically or conventionally file the document, accompanied by a declaration stating the reasons for missing the deadline, no later than 12:00 noon of the first day on which the court is open for business following the original filing deadline. Jurisdictional deadlines, however, cannot be extended by the court for any reason and counsel is responsible to ensure that a document is timely filed to comply with a jurisdictional deadline.

**(f) Filing User Systems Failure.** A problem with the Filing User's systems or equipment shall not constitute a technical failure nor excuse an untimely filing. In such circumstances, however, a Filing User may file the document conventionally with a declaration explaining how the systems failure precluded filing in ECF.

(§ (a) amended 10/1/05)

## **2.11 Refund of Fees Paid Electronically**

(a) **Applicability.** Consistent with the Judicial Conference "guidance" on the refund of fees that are paid electronically, the clerk's office may refund electronic payments made when no payment was required, when duplicative of previous payments made, or when the amount submitted exceeds the actual amount owed for the transaction.

(b) **Delegation of Authority.** Although the authority to approve or deny a refund is a judicial determination, the initial determination is delegated to the clerk and all such requests shall be conventionally filed in letter format addressed to the clerk. Persons denied a refund by the clerk may seek judicial review by electronically filing a motion for refund. If a motion for refund is filed in an unassigned case, it will be reviewed by the chief judge.

(c) **Refund Processing.** Refunds shall be processed through the electronic credit card system and no refund shall be issued by check.

(Added 12/1/11)

## **III. CONVENTIONAL FILING OF DOCUMENTS**

Unless otherwise provided herein, the clerk's office will add to the court's public electronic docket all non-sealed conventionally filed documents referenced in this section.

### **3.1 Conventional Filings in Criminal Cases**

(a) **Criminal Charging Documents.** All charging documents, including indictments, superseding indictments, informations, complaints and citations or violation notices, and accompanying documents such as supporting affidavits, warrants for arrest, praecipe for summons or warrant, summons (if applicable) and criminal case cover sheets, shall be conventionally filed. Issued warrants for arrest and criminal case cover sheets will not be scanned and added to the court's electronic docket.

(b) **Criminal Applications and Accompanying Affidavits.** The following applications, accompanying affidavits and warrants/proposed orders, shall be conventionally filed: seizure warrants, search warrants, pen registers (wire tap requests), and electronic tracking device requests. Issued search/seizure warrants and pen registers (wire tap requests) will not be scanned and added to the court's electronic docket.

(c) **Return of Service Documents in Criminal Cases.** All returns of service or other returns in criminal cases shall be conventionally filed.

(d) **Grand Jury Matters.** All grand jury matters shall be conventionally filed, including but not limited to the following: record of grand jurors concurring, motions to quash subpoena, motions to compel production/testimony, motions for immunity, motions for

appointment of counsel, petitions for writ of habeas corpus ad testificandum/prosequendum, applications to disclose income tax returns/information, and notification required by Fed. R. Crim. P. 6(e)(3)(B) & (D).

**(e) Documents Signed by Criminal Defendants.** All documents containing the signature of a criminal defendant shall be conventionally filed. Financial Affidavits will not be scanned and added to the court's electronic docket.

**(f) Violations of Conditions of Release.** All Petitions for Violations of Probation, Supervised Release, and Pretrial Release shall be conventionally filed.

**(g) Undocketed Submissions.** The following documents may be received in paper by the clerk's office in a criminal case, but will not be added to the public docket in either electronic or conventional format unless ordered by the court: Pretrial Services Reports and Statements of Reasons.

**(h) CJA Materials.** The following CJA documents shall be conventionally filed: CJA 21 Vouchers and related Motions to Exceed the Statutory Maximum Compensation Limits, CJA 20 Vouchers, and other non-public documents submitted by a CJA Panel member. CJA 20 and 21 Vouchers will not be scanned and added to the court's electronic docket.

**(i) Juvenile Matters.** All documents filed in juvenile criminal matters shall be conventionally filed unless the court rules that the juvenile shall be tried as an adult.

(§ (h) amended 5/1/05; § (g) amended 12/1/09; preamble and §§ (a), (b), and (g), amended 6/1/11)

### **3.2 Conventional Filings in Civil/Miscellaneous Cases**

Unless otherwise provided herein, the clerk's office will not scan and insert the following documents to the court's electronic docket.

**(a) Administrative Records.** Except as provided in AP 2.6, all administrative review proceeding records and transcripts shall be conventionally filed.

**(b) Habeas Corpus Rule 5 Materials.** The record of state court proceedings and any other materials submitted with the answer as provided in Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts shall be conventionally filed.

**(c) Mediation Documents.** The following mediation documents shall be conventionally filed: Notice of Selection of Mediator; Mediator's Post ADR Reporting Form; and, if the magistrate judge is serving as the mediator in a case, the Mediation Conference Statement and Mediation Conference Statement Confidential Addendum. The Mediator's Notice of Mediation may be filed either electronically or conventionally.

(d) **Letters Rogatory.** Applications or requests for letters rogatory and accompanying documents shall be conventionally filed.

(e) **Administrative Inspection Warrants.** Applications or requests for administration inspection warrants and accompanying documents shall be conventionally filed. Once ruled upon, the clerk's office will scan and insert these documents into the court's electronic docket.

(§ (c) amended 10/1/05, 10/1/06; § (a) amended 6/1/11; § (f) removed 12/1/11)

### 3.3 Sealed Matters

(a) **Documents Filed in Sealed Cases.** Documents shall be conventionally filed in sealed cases unless the court orders the case unsealed. The Filing User shall also contemporaneously provide the court with a data storage device containing the main document and any accompanying memorandum of law or exhibits as separate documents in PDF format, which shall be named and organized in a manner that clearly identifies each document.

(b) **Sealed Documents Filed In Non-Sealed Cases.**

(1) **Entire Filing Sealed.** If an entire submission, which includes the main document and any accompanying memorandum of law and attachments/exhibits, is sought to be filed under seal, the entire submission shall be conventionally filed. No Notice of Conventional filing should be electronically filed in this circumstance. The Filing User shall also contemporaneously provide the court with a data storage device containing the main document and any accompanying memorandum of law or exhibits as separate documents in PDF format, which shall be named and organized in a manner that clearly identifies each document.

(2) **Filing Containing Both Sealed and Unsealed Documents.** If a filing contains both sealed and unsealed documents, the submission shall be electronically filed and a Notice of Conventional Filing shall be inserted in the place where the sealed document(s) would otherwise have appeared on the electronic docket. The documents sought to be sealed shall be conventionally filed within 72 hours of the electronic submission and contemporaneously produced on a data storage device as separate documents in PDF format, which shall be named and organized in a manner that clearly identifies each document.

(c) **Motions to Seal.** All motions to seal shall be conventionally filed.

(§ (a) amended 5/1/05; §§ (a) and (b) amended, § (c) added 10/1/06; §§ (a) and (b) amended 6/1/11)



### **3.4 Ex Parte Pleadings**

All ex parte pleadings shall be conventionally filed. Ex parte pleadings will be scanned and added to the public docket contemporaneously with the entry of the court's order on the ex parte request.

### **3.5 Trial Exhibits/Exhibit Lists**

All trial exhibits and exhibit lists shall be conventionally filed in accordance with LR 83.13. The clerk's office will scan and insert into the court's electronic docket only the final exhibit list and not trial exhibits.

### **3.6 Notice of Appeal**

A Notice of Appeal may be (i) electronically filed through the court's ECF system if the attorney Filing User pays the filing fee using the ECF credit card payment system, simultaneously submits a motion to proceed in forma pauperis, or if no filing fee is required, or (ii) conventionally filed with the appropriate fee. Conventionally filed notices will be scanned and inserted into the court's electronic docket.

(Amended 10/1/06)

### **3.7 Pro Hac Vice Motions**

A Motion for Leave to Appear Pro Hac Vice may be (i) electronically filed through ECF if the attorney Filing User pays the filing fee using the ECF credit card payment system, or (ii) conventionally filed with the appropriate fee. Conventionally filed pro hac vice motions will be scanned and inserted into the court's electronic docket. Due to technical limitations of the CM/ECF system, Filing Users must submit a separate motion for each attorney whose admission is sought pro hac vice and may not request the pro hac vice admission of multiple attorneys in one motion.

(Amended 10/1/06)

### **3.8 Letters and Correspondence**

All letters and correspondence shall be conventionally filed. The clerk's office may scan and add substantive letters and correspondence to the court's electronic docket.

(Added 10/1/06)

### **3.9 Service of Conventional Filings**

Documents that are filed conventionally shall be conventionally served in accordance with the Federal Rules of Civil/Criminal Procedure and the local rules of this court.

(Amended 5/1/05; AP 3.8 renumbered to AP 3.9 10/1/06)

## **IV. COURT ORDERS AND TRANSCRIPTS**

### **4.1 Court Orders**

(a) **Electronic Signature.** An electronically signed order shall have the same force and effect as a paper order containing an original signature and conventionally entered on the court's docket. An electronically signed order shall include, but is not limited to, the signatories name (i) preceded by a "/s/", (ii) typed in the document or in a docket text order, or (iii) inserted in the document as an imaged signature. Both judicial officers and court clerks may electronically sign orders as appropriate.

(b) **Docket Text Orders.** The court may issue orders by a text only entry on the court's docket and without the issuance of a PDF document. The parties will receive notice of such an order through the Notice of Electronic Filing.

(c) **Entry of Orders.** All electronically signed/endorsed orders will be electronically filed by a judicial officer or court personnel.

(d) **Proposed Orders.** All proposed orders shall be submitted electronically as a separate attachment to a motion or other request for relief or contained within the body of a stipulation. A proposed order may not be submitted as a separate docket entry in ECF unless so requested by the court. Proposed orders shall be submitted in a converted PDF format, not a scanned PDF format, and shall be clearly captioned as a "Proposed" order. The court may request the parties submit a proposed order in word processing format on a data storage device or by e-mail.

(e) **Notice of Orders.** The electronic transmission to a Filing User of an order or judgment through the Notice of Electronic Filing constitutes notice as required by Federal Rule of Civil Procedure 77(d) and Federal Rule of Criminal Procedure 49(c). When mailing paper copies of an electronically filed order to a party who is not a Filing User, the clerk's office will include the Notice of Electronic Filing.

(§ (d) amended 6/1/11)

## **4.2 Transcripts of Federal Court Proceedings in this District**

**(a) Electronic Filing of Original Transcripts.** All original transcripts shall be electronically filed, which shall generate a Notice of Electronic Filing of a Transcript to be served on the parties.

**(b) Obligation to Review Transcripts for Personal Identifiers.** Within twenty-one (21) days after the date on the Notice of Electronic Filing of a Transcript, any party who purchased an original or a copy of the transcript shall:

(1) Review the transcript to determine whether it contains any personal identifiers listed in Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1, whichever is applicable; and

(2) Electronically file a Transcript Redaction Request if that party concludes the transcript contains personal identifiers that must be redacted.

Any party that did not request an original or copy of the transcript may also review the transcript for personal identifiers and may electronically file a Transcript Redaction Request within this same twenty-one (21) day period.

The responsibility for redacting personal identifiers rests solely with counsel and the parties and neither the court reporter nor court staff are responsible to independently redact information from the case unless there is a redaction request by a party to the case. The parties will be charged no fee for redactions made by a court reporter.

**(c) Requests to Redact Other Information.** Requests to redact any information other than the personal identifiers listed in Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1 must be made by motion within twenty-one (21) days after the date on the Notice of Electronic Filing of a Transcript.

**(d) Failure to Submit Transcript Redaction Request.** The failure to file a Transcript Redaction Request within the designated twenty-one (21) day period will result in a presumption that the redaction of personal identifiers is not necessary and the original transcript will be made available at the clerk's office and by remote Internet access through PACER as set forth below.

**(e) Electronic Filing of Redacted Transcripts.** If a Transcript Redaction Request is timely made or a motion to redact additional information is granted, a redacted transcript shall be electronically filed within thirty-one (31) days after the original transcript was filed with the court.

**(f) Public Access to Transcripts.** For a period of ninety (90) days following the filing of an original transcript, only Filing Users who purchased an original or a copy of the transcript

will be permitted remote Internet access to the transcript through PACER. The public may review, but may not copy or reproduce, the transcript in the clerk's office in paper format or in electronic format at public terminals during this initial ninety (90) day period. At the conclusion of this initial ninety (90) day period, unless extended by court order, the public will be permitted to copy or reproduce the transcript in the clerk's office and will be permitted remote Internet access to the transcript through PACER. If a redacted transcript is filed, the original transcript will remain available to the parties in the case but will not be otherwise made available to the public at the clerk's office or through PACER. Persons accessing transcripts using PACER, including both Filing Users who purchased the transcript and other members of the public, will be assessed a PACER user fee in accordance with 28 U.S.C. § 1914.

**(g) Electronic Signatures.** An electronically signed transcript shall have the same force and effect as a paper transcript containing an original signature and certification stamp. An electronically signed transcript shall include, but is not limited to, the signatories name (i) preceded by a "/s/", or (ii) inserted in the document as an imaged or digital signature.

(Amended 5/15/08; preamble omitted 12/1/09; §§ (a) & (e) amended 6/1/11)

#### **4.3 Transcripts of Court Proceedings in Other Courts**

A transcript of a proceeding of another court shall be electronically filed in PDF format if available. If the transcript is not available in PDF format, then it shall be conventionally filed.

(Formerly AP 4.2 (b), renumbered 5/15/08)

### **V. PUBLIC ACCESS TO ECF DOCKET/DOCUMENTS**

#### **5.1 Public Access at the Court**

The public may obtain electronic access to the electronic docket and documents that have not been sealed at no charge at the clerk's office during regular business hours. A copy fee for an electronic reproduction will be assessed in accordance with 28 U.S.C. § 1914.

#### **5.2 Internet Access**

The public may use a PACER log-in and password to obtain remote electronic access to the electronic docket and documents at the court's Internet site ([www.nhd.uscourts.gov](http://www.nhd.uscourts.gov)) or directly at <http://ecf.nhd.uscourts.gov>. A user fee for accessing court information through PACER will be assessed in accordance with 28 U.S.C. § 1914.

(Amended 5/1/05, 5/15/08)

### 5.3 Conventional Copies and Certified Copies

Conventional and certified copies of electronic documents may be purchased from the clerk's office for a fee in accordance with 28 U.S.C. § 1914.

## VI. REGISTRATION FOR ECF

### 6.1 Participants

(a) **Mandatory Attorney Registration.** Attorneys admitted to the bar of this court and in good standing who intend to appear in an ECF case in this judicial district shall register as Filing Users of the court's ECF system by completing an on-line registration form on the court's website at [www.nhd.uscourts.gov](http://www.nhd.uscourts.gov). Neither represented parties nor incarcerated pro se litigants may register as a Filing User.

(b) **Attorneys Admitted Pro Hac Vice.** An attorney admitted pro hac vice in an ECF case shall register as a Filing User of the court's ECF system in accordance with these procedures.

(c) **Pro Se Registration.** A non-incarcerated pro se litigant in a pending case may apply to the court for permission to become a Filing User on a form prescribed by the clerk's office. If during the course of the action the pro se litigant retains an attorney who appears on their behalf, the clerk's office shall terminate the pro se litigant's registration in that case upon the attorney's appearance.

(§ (a) amended 12/1/09)

### 6.2 Registration

(a) **Form.** Attorneys shall register using the court's Internet site ([www.nhd.uscourts.gov](http://www.nhd.uscourts.gov)). Pro se litigants shall register using a paper registration form prescribed by the clerk's office and the form shall be attached to a motion for permission to become a Filing User.

(b) **Consent to Electronic Service.** Registration constitutes consent to electronic service of all electronically filed documents as provided herein.

(c) **Log-In/Password Usage.** No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User, such as a designated ECF filing assistant. The use of a Filing User's log-in and password by another attorney or other authorized agent shall be deemed to be the act of the Filing User.

**(d) Obligation to Protect Password.** Filing Users may change their passwords. If a Filing User learns that the security of their password has been compromised, they must immediately change their password and notify the clerk's office help desk.

**(e) Obligation to Update Information.** A Filing User has an obligation to notify the clerk's office of any change in the following information contained in the original Registration Form through the Notice of Change of Address form: name; mailing address; firm name or affiliation; or telephone number. If participating in an active ECF case, a Filing User shall inform the court and parties of such a change through the use of the "Notice of Change of Address" event in ECF in each active case.

**(f) PACER Registration.** A Filing User shall register with PACER and maintain a current user ID and password.

**(g) Withdrawal as Registered User.** Once registered, an attorney of record in an active ECF case may withdraw from participating in the ECF system only upon motion in that case. Otherwise, an attorney may withdraw from participating in the ECF system by providing the clerk's office with a written notice of withdrawal. Upon receipt, the clerk's office will immediately cancel the attorney's password and delete the attorney's name from any applicable electronic service list. An attorney's withdrawal from participation in the ECF system will not be construed as authorization for the attorney to file cases or documents conventionally unless so authorized by court order.

(§ (a) amended 5/15/08)